IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32867 of 2007(K)

PETITIONER:

B.LALITHAMMA, T.C.28/1208,
SREEKANTESWARAM, THIRUVANANTHAPURAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. THE BRANCH MANAGER,
PUNJAB NATIONAL BANK, OVER BRIDGE BRANCH
(STATION ROAD), THIRUVANANTHAPURAM.

2. THE AUTHORISED OFFICER,
PUNJAB NATIONAL BANK, ASSET RECOVERY
MANAGEMENT BRANCH, 3RD FLOOR, 40/1461,
MARKET ROAD, ERNAKULAM-11.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No.32867 of 2007

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Dated this the 6th day of November, 2007.

JUDGMENT

The challenge in this W.P. is against Ext.P2 notice issued for the sale of secured assets. The sale is scheduled to take place tomorrow and this notice was issued as early as on 28.9.2007. The contention raised is that while in Ext.P2 the amount mentioned is Rs.19,96,661/-, in Ext.P1 issued on 22.6.2004 it was only Rs.11 lakhs. This disparity is obvious. Ext.P1 issued on 22.6.2004 was an offer made by the Bank under the one time settlement scheme. In Ext.P1 the Bank would certainly have given concessions to the petitioner and it can only be on that basis the quantification was made. If that be so, the figure indicated in Ext.P1 could not be one of actual dues. In that view of the matter, I see no justification in the petitioner's contention Ext.P2 is illegal and that the petitioner is entitled to the relief sought for. The W.P. is dismissed.

ANTONY DOMINIC
Judge

pms